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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,437	12/14/2003	DAVID LIANG MABBUTT	DMABB05F	1436

33310 7590 06/27/2005
EDWIN A. SKOCH II
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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

10/707,437

Applicant(s)

MABBUTT, DAVID LIANG

Examiner

Gwendolyn Baxter

Art Unit

3632

All participants (applicant, applicant's representative, PTO personnel):

(1) Gwendolyn Baxter.

(3) _____.

(2) Ed Skoch.

(4) _____.

Date of Interview: 21 June 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: 1.

Identification of prior art discussed: Gillespie 6,125,032.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's attorney emailed the attached claims for review and discussion. It was determined that independent claim 1 was not deemed to be allowable over the above prior art. The intended use phrasology did not place this claim in condition for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Baxter, Gwendolyn

From: Ed Skoch [edskoch@inventorprotection.com]
Sent: Tuesday, June 21, 2005 11:01 AM
To: Baxter, Gwendolyn
Subject: INTERVIEW TODAY, 2pm

re: 10/707,437
inventor: David L. Mabbutt
DMABB05F
filing date: 12/14/03

Dear Ms. Baxter:

Thank you for calling me yesterday. This confirms our call for today at 2pm EST.

In reading your final rejection, it struck me that a real difference between this application and the prior art you found is that the mouse can still be fully used in the present invention, whereas, with the prior art, the mouse was useless in its "mouse house." A "barrier" versus "bumper" idea, as noted on your page 6, first paragraph.

Toward making this clear, I've drafted some amendments to the claims that might alleviate your objections. You can peruse them below. We can talk about this on the phone today. (And I'll try to make it quick!)

Thank you!

--ed skoch.

CLAIM 1. (CURRENTLY AMENDED) A mousepad, comprising a mousepad with one or more connectedly attached members at or near the edge of said mousepad, said member or members anchored in and protruding above the surface of said mousepad in a roughly perpendicular fashion and providing a barrier making a bumper to discourage mouse movement off that edge of said mousepad where said member or members is located while said mouse is in use.

CLAIM 2. (CURRENTLY AMENDED) A mousepad, as in claim 1, wherein said member or members is in the shape of a hockey goal and said mousepad has the appearance of a full or partial hockey rink.

CLAIM 3. (CURRENTLY AMENDED) A mousepad, as in claim 2, further comprising graphics or text, used for promotional purposes.

CLAIM 4. (CURRENTLY AMENDED) A mousepad, as in claim 1, wherein said member or members is in the shape of a basketball post, backboard, and hoop and said mousepad has the appearance of a full or partial basketball court.

CLAIM 5. (CURRENTLY AMENDED) A mousepad, as in claim 4, further comprising graphics or text used for promotional purposes.

CLAIM 6. (CURRENTLY AMENDED) A mousepad, as in claim 1, wherein said member or

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members is in the shape of a golf hole, post, and flag and said mousepad has the appearance of a full or partial golf green.

CLAIM 7. (CURRENTLY AMENDED) A mousepad, as in claim 6, further comprising graphics or text, used for promotional purposes.

CLAIM 8. (CURRENTLY AMENDED) A mousepad, as in claim 1, wherein said member is in the shape of a football goalpost and said mousepad has the appearance of a full or partial football field.

CLAIM 9. (CURRENTLY AMENDED) A mousepad, as in claim 8, further comprising graphics or text, used for promotional purposes.

CLAIM 10. (CURRENTLY AMENDED) A mousepad, comprising! a mousepad with one or more connectedly attached and raised members near the periphery of said mousepad, said member or members anchored into said mousepad and ~~providing a barrier to~~ making a bumper to discourage mouse movement off that mousepad edge where said member or members are anchored while said mouse is in use.

CLAIM 11. (CURRENTLY AMENDED) A mousepad that can be used as an entertainment device, comprising: a mousepad resembling the playing surface of a sport in miniature and one or more miniature accessories used in said sport, used to play a facsimile of said sport.

CLAIM 12. (CURRENTLY AMENDED) A mousepad that can be used as a promotional device, comprising a mousepad with one or more connectedly attached protruding members, whose shape, markings, and protruding member or members resemble the playing area ! of a sport in miniature.

CLAIM 13. (CURRENTLY AMENDED) A mousepad, as in claim 1, wherein said mousepad further comprises a porous, permanent, non-paper surface that can be written on.

CLAIM 14. (CURRENTLY AMENDED) A mousepad that can be used with an optical mouse, comprising a mousepad with one or more connectedly attached members at or near the edge of said mousepad, said member or members anchored in and protruding above the surface of said mousepad in a roughly perpendicular fashion and providing a barrier to discourage the user from placing items on or over said mousepad.

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